

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL GUEST,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS  
CITY OF NEW YORK, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/4/2023

1:22-cv-972 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this *pro se* action by filing a complaint on February 2, 2022. ECF No. 2. In an Order dated March 4, 2022, the Court explained that “it is Plaintiff’s obligation to promptly submit a written notification to the Court if Plaintiff’s address changes, and the Court may dismiss the action if Plaintiff fails to do so.” ECF No. 6.

On August 5, 2022, Defendants moved to dismiss the complaint. ECF Nos. 16-18. On September 22, 2022, the Court, having not receiving Plaintiff’s opposition to the Defendants’ motion to dismiss, ordered Plaintiff to “file his opposition to the motion to dismiss or file a letter indicating that no opposition will be filed by October 13, 2022.” ECF No. 20. The Court warned Plaintiff “that failure to comply with this order may result in the case being dismissed for failure to prosecute.” ECF No. 20 (citing Fed. R. Civ. P. 41(b)).

On October 27, 2022, the Court, having not received Plaintiff’s opposition to the motion to dismiss or a letter indicating that no opposition would be filed, ordered that “on or before November 17, 2022, Plaintiff shall file a letter explaining why this case should not be dismissed for failure to prosecute.” ECF No. 21. The Court warned Plaintiff that “failure to comply with this Order may result in dismissal of the action.” ECF No. 21.

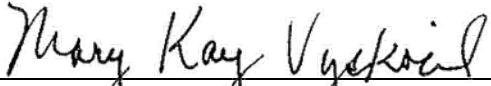
On November 21, 2022, the Court received notice that the copy of its most recent Order sent to Plaintiff was returned to sender. The Court then directed Plaintiff to advise the Court of his current address by January 3, 2023. ECF No. 22. The Court warned that “[i]f the Plaintiff does not provide his current address this action may be dismissed without prejudice for failure to prosecute.” ECF No. 22. The Clerk of Court mailed a copy of the Court’s Order to Plaintiff at the address he provided; however, the mail was returned because it could not be delivered or forwarded.

Plaintiff was on notice that he had to notify the Court if his address changed and that the Court might dismiss his case for failing to do so. ECF No. 6. By failing to provide the Court with his current address—or oppose Defendants’ motion to dismiss—Plaintiff has failed to take the most basic steps necessary to prosecute this case. Accordingly, this case is dismissed without prejudice.

The Clerk of the Court is respectfully requested to mail a copy of this order to the *pro se* Plaintiff at the address of record.

**SO ORDERED.**

**Date: January 4, 2023**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**